

MINUTES

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION

HON. CHARLES S. COODY, MAG. JUDGE AT MONTGOMERY, ALABAMA

DATE COMMENCED: 9/5/06 AT 2:30 p.m. to 2:43 p.m.

DATE COMPLETED: 9/5/06 AT Digital Recorded

UNITED STATES OF AMERICA

Plaintiff

VS.

WILLIE DEWHART

Defendant

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CASE NO.: 2:06CR94-WKW-CSC

GOVERNMENT

APPEARANCES:

DEFENDANT

Atty. Tommie Hardwick

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Atty. Susan James

COURT OFFICIALS PRESENT:

COURTROOM DEPUTY: WANDA STINSON

COURT REPORTER: RISA ENTREKIN

(X) OTHER PROCEEDINGS: COMPETENCY HEARING

SEE MINUTES ATTACHED

LOG OF PROCEEDINGS ELECTRONICALLY RECORDED		
Description	Competency Hrg - 06cr94-WKW-CSC	
Date	9 / 5 /2006	Location Courtroom 4B
Time	Speaker	Note
2 :30:14 PM	Court	Court convenes; parties present as noted; Discussions as to the psychological report;
2 :30:35 PM	Atty. James	Addressed the court as to the deft's position; Discussions as to what the report says that the deft maybe capable of being of help to counsel; Addresses concerns that deft may not have been competent at the time of the offense; The court could send him back for a month period;
2 :32:02 PM	Court	Response that the examining psychologist indicated that in his conclusion that a period of treatment would restore Mr. Dewharts competence;
2 :32:17 PM	Atty. James	Response - Does not eliminate concerns about him remembering what happened to him;
2 :33:20 PM	Court	Response ; The original commitment order did order both types of evaluations;
2 :33:48 PM	Atty. Hardwick	Addresses the court as to the Dr. Miller's report;
2 :36:13 PM	Atty. James	Response;
2 :37:37 PM	Court	Discussion that based on the report, both parties agree that the deft needs to be committed for a period of treatment to restore his competence; Discussions as to concerns as to whether the deft is actually incompetent or malingering; Discussion of the question of his mental state at the time of the offense; In the commitment order we should direct them to evaluate that issue;
2 :39:06 PM	Atty. James	Response in agreement with court; Discussion as to seeking an independant evaluation to resolve retardation issue;
2 :40:13 PM	Court	Response;
2 :40:48 PM	Atty. James	Discussion as to whether a Rule 12.2 motion is appropriate;
2 :41:14 PM	Court	Question to the goverment as to having any difficulty to the deft reserving that issue, pending the period of treatment?
2 :41:22 PM	Atty Hardwick	No. We agree that we need to send him for further evaluation;
2 :42:02 PM	Atty. James	Question as to whether the motion put the government in a position to ask for the second part of evaluation;
2 :42:33 PM	Court	Will recommend that Judge Watkins order that they perform that evaluation; This court will separately enter allowing counsel a period of time, after the deft return to the district to file those motions;
2 :43:05 PM	Atty James	Ask that after the report comes that the court bring counsel in to talk status;
2 :43:22 PM	Court	Court is recessed.